App E IX

Previous Refer 1943-46 (nil)

File No 85-45
Serial Nos 130

Later References
ML Dep No ~~6667/4~~ 1596/48-49

GENERAL AND REVENUE SECRETARIAT

Serial Nos one

Part B for May 46

SUBJECT

Grant of Site No 1 in Gandhinagar to Mr C V Narasimhaiyengar in exchange for his land in Hanumanthapur village taken up for the formation of a road

12204 of [illegible] 3-5-46

The Commr B'lore, Comptroller to Govt

States that Mr C V Narasimhaiyengar may be asked to accept the cash compensation with interest at 6% p.a. for reasons specified from the date of award as in similar cases of acquisition of land

Continuation Sheet ML **File No / Current No** -1367 / 12 of 43 **Page**

Letter No. AG. Dt 359/40B 17-8-43 from the ML. Commr Bglr in requesting sanction to the grant of site No I in Gandhi nagar to Mr C.V. Narasimha Iyengar in exchange of the land comprised in S Nos 26 & 28 of Hanumanthapura belonging taken for the purpose of laying out of the Thippasetty Mutt Extension, Bglr.

1) It is stated that Mr Narasimha Iyengar is agreeable to take site No I in Gandhi nagar in exchange of his land in Hanumanthapura taken for laying out the Thippa setty Mutt Extension & that he has also presented a petn to this effect.

2) The petn given by Mr Narasimha Iyengar has not been sent

3) Subd for orders

31/8

Law Secy) Sd 1/9/43

SECY LAW DEPT
2375
3.
GOVT OF MYSORE

4) What is the ~~[illegible]~~ market value of the two lands at present & at the time of acquisition may be ascertained

1-9-43

5) Appr Sd 1/9/43

6) Subd with a draft letter for appl.

3/9

7) Issue

4/9/43

Continuation Sheet ML $\frac{\text{File No}}{\text{Current No}}$ $\frac{1367}{L}$ 22 of 43 3/ **Page**

To The ML Commn. Brig. thro PDG
No L 2947 Dt 6-9-43
Calls for some information
from the [illegible] on B/Co
A. I. D. 2 $\frac{359}{40}$ dated 28-5-1
detailed below

[illegible]

Grant of site No 1 in Gandhinagar, Bangalore City to Mr C V Narasimha Iyengar in exchange for his land in Hanumanthapur Village taken for the formation of a ro

In 1933, an extent of 16½ guntas of land in S No 26 of Hanumanthapur Village, II Division, Bangalore City, was acquired for laying out an extension, to relieve congestion and for the formation of roads etc therefor This land belonged to Mr C V Narasimha Iyengar Advocate, Bangalore City In the Municipal Commissioner's order of award dated 18-12-34, it was stated that the land in question was an agricultural land as there were no roads or drains and the land was not recognized as a municipal site and a compensation of Rs 474-15-0 including the statutory allowance of 15% was awarded at the rate of Rs1,000/- per acre

When the award notice was issued, Mr Narasimha Iyengar filed an application stating that the compensation granted was inadequate and that if a site of an equal extent in the new Gandhinagar was given in exchange, he would accept it As a result of further correspondence and measurement of the site in question, it was found out that an extent of 1090¼ square yards had been acquired out of his lands against the site No 1 of the Gandhinagar proposed to be given to him measuring 666.7 sq. yards valued at Rs 6/- per sq yd Mr Narasimha Iyengar thereupon claimed not only the grant of site No.1 but also a compensation of Rs 1,452-8-0 valuing his land at Rs 5/- per sq yd The Municipal Council resolved on 12-6-1943 to grant site No 1 in Gandhinagar in flat exchange for the land taken from him for the alignment of the road The Municipal Commissioner sought approval to the resolution in his letter dated 17-8-1943 On further correspondence, the Municipal Commissioner reported in his letter dated 28-5-1945 that the land taken from Mr Narasimha Iyengar was an agricultural land/on the following grounds

1) That the Land Acquisition Officer classed it on detailed enquiry as an agricultural land,

2) That the land measuring 9½ guntas was part of 33 guntas of land which had not been converted into a building site by the payment of necessary conversion fine,

3) That the party failed to establish that the land was non-agricultural, and

4) That if the party was not satisfied with the award, he ought to have asked for a reference being made to the Court and that instead of doing so, he went on urging for the grant of exchange land In conclusion, the Municipal Commissioner stated that the Municipal Council would stand to lose about Rs 20,000/- by giving effect to their resolution of 12-6-1943

On this, the ~~grant~~ Govt ordered on 8-11-1945 that consequent on the~~s~~ finding of the Land Acquisition Officer that the land acquired was agricultural land, the proposal of the

Municipal Council to grant site No.1 in Gandhinagar in flat exchange to Mr C.V Narasimha Iyengar for his land cannot be sanctioned " It was also stated there that if Mr Narasimha Iyengar was not satisfied with the award, it was open to him to have asked for a reference being made to the Court

Mr Narasimha Iyengar has now submitted a petition in which he mentions the following points -

1) the land taken from him no longer retained the character of an agricultural land,

this point has already been answered above

2) that the impression that the award has not been asked by the petitioner to be referred to the court is not correct As soon as the award order was issued, Mr Narasimha Iyengar prayed that a site of equal extent might be granted to him When he and the Municipal Commissioner could not agree re the valuation of the two lands, he suggested that the matter may be referre to the court on 15-2-1935, i e , one month and 27 days after the date of award, viz , 18-12-1934 Under Section 18(1)(b) of the L A. Act the period allowed for such a reference is only 6 weeks

3) that it is most improper to assign earl and lower rates to the petitioner's l

and later and higher rates to the land proposed to be given to him in exchange

This has been answered in item (1) above The petitioner's contension is untenable as the land of the petitioner still retains the character of an agricultural land The Municipal Commissioner (Mr' K Subba Rao) has given his definite opinion in the matter and it may be accepted

20/11/45

Notes

Petitioner owned a part of each of S Nos 26 and 28 These parts were at first agricultural land and later converted into building land by the order of appropriation of the Sub Division Officer of Bangalore Sub Division dated 16-3-1930 and ceased to pay land revenue thereafter

Some three years later, acquisition of 16½ guntas in S No 26 only was taken in hand followed by an award made in December 1934, of which petitioner had notice on 5-1-1935' The award was not referred to court though demanded by him in due course of law and therefore became defunct to all intents and purposes

A little later still, possession was had of only 2 guntas odd out of 16½ guntas in S No 26 notified for acquisition The balance of 14 guntas odd in S No 26 was never taken but an extent of 7 guntas odd in S No 28 not touched by the acquisition, was quietly invaded and utilised by the Municipality for the laying out of the Thippasetty Mutt Extension

To compensate him for the loss of these 9 guntas odd, in all, which were virtually annexed by trespass, the Municipality after protracted negotiations resolved to give the petitioner Site No I in Gandhinagar and solicited Government through the then Municipal Commissioner to sanction the step This the Government refused to do, influenced probably by an adverse recommendation emanating from a succeeding Municipal Commissioner Petitioner seeks by the present petition to get such refusal revised and superseded

The adverse recommendation beforementioned is based on an erroneous view of the matter as a whole It fails to notice that the award became worthless altogether and even otherwise had no application to S No 28 out of which 7 guntas odd had been encroached on to make up 9 guntas odd in exchange for which Site No I in Gandhinagar was offered and accepted by the petitioner Stated in square yards, 9 guntas odd work out at 1090½ sq yds , whereas the site is of the extent of 666⅓ sq yds only Applying the rates of Rs 5/- per sq yd allowed to petitioner and Rs 6/- per sq yd stipulated for the site, it may be seen that petitioner should get not only the site but also a payment of Rs 1452-8-0 to equalise the values Petitioner waived this payment and agreed to accept simply the site at a sacrifice

The adverse recommendation further misses a material aspect Petitioner has a subsisting right to ask for recovery of his land, putting upon it a price at the rate now prevailing Nothing had or done before including the award is an impediment to the successful enforcement of the right through a court of law, and in that contingency the Municipality will be liable for a good deal more than the value of the site It is erroneous to say that petitioner stands to gain by the exchange, on the other hand, the Municipality will be the gainer if it is sanctioned

1367] 7845]

(3)

6

Sub — Grant of site No 1 in Gandhinagar to Mr T V Narasimha Iyengar in exchange for his land in Hanumanthapur Village taken up for the formation of a Road

9) In this office notification No L 7629/ML 33-32-99 dated 19-5-1933, the acquisition of 16 1/2 guntas of land in Survey No 26 of Hanumanthapur village, II Division, Bangalore city, was sanctioned for laying out an extension and to relieve congestion The lands in question belonged to Mr T V Narasimha Iyengar, Advocate Bangalore Award was passed by the Municipal Commissioner on 18-12-34, in which it is stated that the land in question was an agricultural land as there were no roads or drains and the land was not recognised as a site by the Municipality and that it had to be valued as an agricultural land Accordingly compensation of Rs 474-15-0 (including the statutory allowance of 15%) was awarded at the rate of Rs 1000/ per acre

10) Award and Surrender notice ~~was~~ was served on

Mr G V Narasimha Iyengar on 5-1-35, requesting him to receive the Compensation and to hand over the possession of the property

11) On 26-1-35 Mr G V Narasimha Iyengar filed an application stating that the Compensation awarded was inadequate and that if a site of equal extent in the new Gandhinagar Extension is allotted to him, instead of payment of Compensation, he would accept it. The party selected site No I in Gandhinagar Extension. The City Municipal Council resolved on 12-12-1938 to grant site No I in Gandhinagar Extension, measuring ~~6667~~ 666-7 sq Yards in exchange for the partys' land of 569 Sq Yards, taken for the alignment of the road on recovery of Rs 1150- from the party. The excess land was charged at Rs 6- per ~~acre~~ Sq Yard. The party was informed accordingly

12) In reply, Mr Narasimha Iyengar pointed out that the extent of land taken from him was 1090½ sq Yds and not 569 Sq Yards and claimed a sum of Rs 1452-8-0, in addition to site No I resolved to be granted to him in exchange, calculating the value of the land taken from

him at Rs 5- per Sq Yard and that of the land to be granted to him at Rs 6- per Sq Yard

13) The land in dispute was got measured with the help of the Survey Department and the extent utilised for the formation of the Road was determined to be 1090 1/2 Sq Yards

14) The City Municipal Council therefore resolved on 12-6-43, that Site No I in Gandhinagar may be granted to Mr T V Narasimha Iyengar who showed an inclination to have it in exchange for the land taken from him In his letter dated 17-8-43, the Municipal Commissioner requested sanction to this resolution

15) In this Office letter No L2947 dated 6-9-43, information was called for in regard to the market value of the two lands in question, as at present and as it was at the time of its acquisition

16) The Municipal Commr has now reported that the present market value of Site No I in Gandhinagar varies from Rs 20000/ to Rs 23335-

17) Regarding the market value of the lands of ~~the~~ Mr

G V Narasimha Iyengar as prevalent at the time of acquisition, the Municipal Commissioner has raised a point as to whether it has to be classed as "Agricultural land or non-agricultural land The Municipal Commr of opinion that the land utilised for the road was in all probability "Agricultural" land on the following grounds.—

1) That the then Land Acquisition Officer has after hearing the objections of the party, classified as an Agricultural land and passed the Award accordingly

2) That 4 1/2 guntas of land actually utilised for Road are part of 33 guntas of land remaining unconverted, and for which no special conversion fine has been paid by the party

3) That the party has failed to establish beyond doubt that the land in question was non-agricultural

4) That, if he was not satisfied with the Award, it was open to him to have asked for a reference to the Court and that instead of doing so, he went on urging for the grant of the exchange land

18) The Municipal Commissioner is therefore of opinion that Mr. Narasimha Iyengar is not entitled to claim more than Rs 260- treating the land as 'Agricultural' land He adds that site No I was worth at least Rs 3500 — in the year 1933-34 and its present market value is between Rs 20000/ and Rs 23500/ He therefore points out that the party would be making a handsome profit of over Rs 20,000/ if site No I in Gandhinagar is granted to him The Municipal Council does not therefore stand to gain on account of this transaction

For orders 19) The above note explains the facts of the case in full

20) The award order passed by the Land Acqn officer on 18/12/34 treating the land acquired from Mr C V N. Iyengar as "Agricultural land" as against "a bld site" as contended by the party is correct for reasons mentioned in the order itself This opinion is further confirmed by the

) observations of the present ML Comr who has clearly explained the grounds on which based his conclusions.

1) As this is a case wherein the MCl would stand to lose if the site no I - Gandhinagar is granted exchange as resumed by the MCl does it is not also justifiable to grant it to the party. The resoln of the MCl to the effect that it may be granted to Mr C.V. [illegible] Iyengar in flat exchange for the land taken from him for road purposes may not be sanctioned

Refer para [illegible]

Asst Secy [illegible]
5/7/45

22) I agree the Municipal Council has taken too liberal a view in favour of Mr Narasimha Iyengar without any regard for its own interests. If Mr Narasimha Iyengar was not satisfied with the award he could have asked for a reference being made to the Court. The resolution may not be approved.

Edw[illegible] P.W.)

23) [illegible] 21/7

9.7.45

23/

FICE OF THE [illegible]
FOR Edn & P H
12 7 45
No 305

[illegible] E & LA[illegible]
185
[illegible] 45

C F' 69]

Continuation Sheet 3 | File No / Current No | of | Page

24) Pl put up the further application recd. from Mr. C V Narasimha Iyengar addressed to the Minister

[illegible] 24/7/45

25) This was submitted to the Minister for Education and P H on 23-7-45

26) Resubmitted for orders

[illegible] 24/7 — Mr. C V. Narasimha Iyengar who is the party affected in this case has put in an application for being heard, before orders are passed in this case. That application was sent to the Minister on 23 7 45

Addl (Secy) [illegible] 24/7/45

1.30 24/7

Off[illegible] ISTER
~~FCTLSG~~ Edn & P H
Date .. 7 .45
No 669

27) Minister for Edn & PH) [illegible] 24/7

28) No need to revise the orders

[illegible] 7/8

[illegible] 7/8

Draft approved [illegible] 7/8/45

30) Subtd with a draft letter

[illegible] 8/8

31) Draft requires to be modified Pl bring up

[illegible] 28/8/45

ADDITIONAL SECRETARY
No 7317
Date 3/8
GOVERNMENT O[illegible]

32) Subtd with a revised draft for appl. An endorsement will also be issued to Mr C V N Iyengar

[illegible] 30/8

Addl Secy) [illegible] 30/8/45

33) Draft is not a/c to orders

[illegible] 31/8

[illegible] 3/9

10)

C F 69]

7845 V 3068

Continuation Sheet File No / Current No of Page

4) The Draft letter appears to be all right & is for appl

35) Issue

2.11.45

8/11

TYPING SECT
6 NOV 1945
GEN. & REV SECTT

To The Municipal Commr Bangalore

~~No. ADT 3589~~

No L3589 A d 8 11 1945

States that the award order passed by the L A Officer is correct

From Mr. C V Narasimha Iyengar

~~No~~ Petition d 26 9 45

Prays for a reconsideration of the order issued already in the matter

5) Order of the Minister for Education T.P.H. on the petition:—

A hearing may be given on 20th inst between 3 & 4 pm & the records may be called for & a note put up

Intd T.M.C.R.

8/11/45

37) Subd with a draft notice

JM
12/11

38) Issue at once

12/11/45

Issued No L3689 d 13 11 45

TYPING SECTION
12 NOV 1945

Grant of exchange land Kolar C I Norah
Iyengar Advocate, B

General and Revenue Secretariat | File No. of 194 | [App F III-2 | 11

Serial No

39) Subd with a note -
JM
19/11/45

Rev Secy) for
20/11/45

40) Mr Raja Iyengar advr for the petitioner & the petitioner himself present. Case heard. May be put up for orders of Minister
20/XI

41) For necessary action
P A to the Minister
for Rev S P H) for
21/11/45

Date 21 11 45
No 3001

42) See Petition dated 8/XI/45 by the party. Why are the facts noted therein not been referred to? Even now please note

1) Whether Govt can interfere at this stage & revise the order of the LAO
2) What is the objection to the proposal of the Municipality being agreed
3) Whether Cash Compensation or Exchange land has to be given & if so on what basis?

NOTE—Contn Sheet

Grant exchange land to Mr C V Narasimha Iyengar Bangalore City

File No. of 194

General and Revenue Secretariat

Serial No

43) Submitted with the following note on the points raised above

4) Point 1 - Mr. C. V. Narasimha Iyengar moved the Municipal Commissioner, who was the Land Acquisition Officer for referring the matter to the Court after a lapse of one month & 28 days after the award was passed on 18-12-1934. The time allowed for such a reference to the Court under the Land Acquisition Act is only six weeks. The application asking for reference to Court was accordingly belated. The reasons as to why the Municipal Commissioner did not refer the matter to the court as requested by the petitioner are not also forthcoming in the records. In the absence of any order to the contrary, the award order holds good. The opinion of the Law Section may perhaps be obtained if Govt interference at this stage would be unobjectionable.

5) Point 2 According to the award order, Mr Narasimha Iyengar was entitled to Rs 474-15-0 He refused to receive this & asked for exchange

Grant of exchange land to Mr C. V. Noran
[illegible] Bangalore City

land. The Municipal Council of Bangalore City finally resolved on 12 6 1943 that site No 1 in Gandhi Nagar may be granted to him in pla exchange for the land acquired fro him. The Municipal Commissioner in his letter d 28 5 45 ~~[illegible] resolution to report~~, stated that the Municipal Council would be a loser if they gave effect to the resolution. The party kept quiet for about 9 years after the award was passed. Why he did not take action earlier or press for a settlement of his claims is not clear. Further the fact is that the land acquired from him was only an agricultural land & not [illegible]. If the propo is sanctioned [illegible] would be going against the facts of the case, the proposal was accordingly rejected by Govt in their letter No L 5589 A L 8 1943. Whether the matter may be taken up for reconsideration now.

Orders

46) Point Under Section 31 of the Land [illegible] ~~of the Land Acqn~~ Act, the Land Acquisition Office

ant in exchange land to Mr C V Narasimha
yengar, Advocate Bangalore city

14) File No 1162/Law of 194 | General and Revenue Secretariat

Serial No

7th U/S

can either grant a cash compensation or some other land in exchange, the usual practice, however, being to make a cash grant & give preference to the grantee to purchase some other land at the earliest opportunity. Having regard to the circumstances of the case, it may not perhaps be advisable to grant compensation in the shape of land as it would cause loss to the municipality according to the Municipal Commissioner's report dated 28 5 1945.

4802
15/1

B) Subd for orders with reference to para 42 above.

M
11/1/46

Rev secy
11/1/46

4E) The opinion of the Law Section will be obtained on point at A in para 44 above, before final orders are passed.

15.1.46
4217

Minister for Edn & PH)
15/1/46
15/1/46

U4) AB
18/1/46

5) For favour of opinion noted above.
Asst Secy - Law Secn)
18/1/46

0-8-30
18/1/46

Serial No

subd-

51) The facts of the case are noted in the typed note fo A'

52) The award of the Land Acquisition Officer is dated 18 12 1934. The petitioner has in his letter d 26 1 35 objected to the amount of compensation and prays for grant of exchange of lands. The notice of award was received by him on ~~a~~ 5-1-1935 He filed an objection on 15 2-35 and prayed for reference to court thereon.

53) The question at issue is whether the letter d 15 2 1935 (to E) could be deemed to be an application ~~as~~ under s 18 of the L A Act

54) It will be seen from the award (to and the notice (to D) that the petitioner was not present before ~~the~~ L A officer on the date of the award, otherwise there was no necessity for issue of a notice of award and surrender under s 12 (2) of the Act ~~If that was~~ Presuming that to be the case, the period of limitation for reference to court under s 18 would be ~~x~~ six weeks from the date of receipt of the notice under s 12 (2). vide also s 18 2 (b) Since the application ~~was~~ is ~~presented~~ dated 15 2 35 it appears to

be within the statutory period of six weeks from 5.1.35 the date of receipt of notice, and not time-barred as referred to at para 43 supra.

55) As to why the said objection petition (presumably under S 18) was not referred to the court by the L A officer, the reason is not clear from the records.

56) If the officer chooses not to make a reference, the remedy of the party who is aggrieved by such refusal or omission to make a reference is then open to doubt

57) There is a conflict of decisions on the point in Br. India. The statute
47 Madras 357
as it stands does not appear to empower the High Courts to interfere on the revisional side in case of refusal to make a reference. The ~~p~~ same view appears to prevail in Mysore, it was held in Totadappa v Asst Commr Mysore Sub Dn
27 MCCR 70
that the D.C. referring or refusing to refer to ~~the~~
17 MCR 101
civil court an objection by claimant to his award is not a court subordinate to the Chief Court and that the Chief Court, interfere on its revisional side such case

[illegible]/ [illegible]

Grant of building site to [illegible] CV [illegible] [illegible] Blr

General and Revenue Secretariat | File No of 194 | [App F III-2

Serial No

57) Again, it will be seen from the papers that after the passing of the award negotiations were started for exchange of lands and the proceedings took a different course when the acquisition proceedings are said to be dropped in 1938.

58) In the circumstances stated, ~~the~~ the award of the L.A. Officer appears to be final, exchange of lands is however permissible under S 31 (3). If possession of the land not taken under S. 16 ~~the acquisition~~ Govt may withdraw from acquisition subd, [illegible]

MKH 25/1/46
26/1/46

60) The point referred to for legal advice para 44 (portion marked A) is not clear. The expression "no interference at this stage" may kindly be clarified by stating what sort of interference is proposed.

Asst. Secy (L.S.G.) W.C.

for 28/1

for 28/1/46

61) From the records it is seen that an award order has been passed in this case by the Municipal Commissioner who was the Land Acqn Officer

E—Contn Sheet

Serial No

in Decr 1934, sanctioning a cash compensation of Rs 474/15 in favour of Mr C. V. Narasimhaiengar for the land acquired from him. The L A Officer did not also refer the matter to the Distt Court though requested for to that effect by the petitioner. On a reference to the Govt by the M L Comr the Govt have also declined to approve the resolution of the M C Cl to grant land in exchange to the petitioner. The position now is that the award order passed by the L.A.O still stands. The point for consideration is whether the Govt may now interfere and reconsider their decision, set apart the award of the L A O [illegible] to be continued [illegible] in the nature of [illegible] judicial [illegible] of [illegible] to grant of land in exchange as resolved by the Municipal Council.

(62) Reference to above papers

Asst. Secy
Law Section
30/1/46

3) [illegible]

61) [illegible] not already [illegible] may [illegible]

Serial No

[illegible] under [illegible] (2) [illegible]

[illegible]

[illegible] with any

[illegible]

[illegible] 60 [illegible]

[illegible]

[illegible] sec 31 [illegible]

[illegible]

(CLJA:O) [illegible]

[illegible]

68 [illegible] the protection of the property in respect of which [illegible] were [illegible] was not taken, it is quite open to [illegible] is deemed expedient.

[illegible] 7/2/46

69) The Case has been further examined in detail with reference to the arguments put forward by the petitioner & his Counsel before the Minister.

70) The award in this Case was passed so far back as 18.12.1934 by Mr. M. Sheshadri, the then Municipal Commr. The awardee objected to the quantum of Compensation & in his letter dated 26.1.1935 asked for Exchange lands. He received the notice of award on 5/1/35 & the objection was filed by him on 15.2.35 and the party specifically prayed for a reference to Court. It was obligatory on the part of the L.A.O. to make the necessary reference to the Civil Court and for some reason not easily explained, no such reference was made. In the absence of such a procedure, the legal effect of failure to refer the Case to a Court with Competent Civil Jurisdiction is, the order of

the L A O becomes absolute & final It is not also clear as to why the party was not vigilant and would not insist on such a reference being made under the law He should have also known the legal consequences of his inaction or negligence.

71) It has to be conceded that orders of L A O's are in the nature of judicial orders pronounced in the course of a judicial proceeding There is no indication in the L A Act as to what remedy there is for the party whose case was not referred to a Court for whatever reason There is no option for him but to accept the award He cannot challenge it at a later date Neither the Municipal Council nor the Govt could legitimately interfere at this stage In fact there is no power vested in them to modify annul or rescind the award

there is also no legal warrant for adopting any such unusual procedure. The property has been taken possession of, a road is formed & there is no question of withdrawing the property from acquisition proceedings.

It is very significant that Mr C V Narasimha Iyengar did not choose to agitate in the matter till after 11 years from the date of award. He appears to have started negotiations for securing exchange land through the good offices of some members of the Municipal Council. He would not come up to Govt. till a favourable opportunity presented itself and that was when he succeeded in persuading the Municipal Council to agree to give exchange land. It has to be stated in this connection that it was not open to the Municipal Council, either on grounds of equity or strictly on legal grounds to take up the case for further consideration and Mr C V Narasimha Iyengar Council, make capital out of that circumstance (viz that the Ml Council agreed) and said that Govt should not find it difficult to approve of their resolution

73) Mr Sheshadri who dealt with this L.A. case held the view that the land acquired was agricultural land and not a building site. This view has been further corroborated by Mr K Subba Rao, who was till recently ML Commr and his reasons for treating the property under acquisitions

(para. 5)

agl land

are cogent & acceptable. There is no fresh reason or substantial evidence for Govt at this distance of time to differ from the concurrent findings of two officers who dealt with the case

Mr. C V Narasimha Iyengar's Case

File No of 194 | General and Revenue Secretariat

Serial No

virtually prevented the party from disputing this fundamental fact relating to the nature of land — whether agl or site and have it settled in his favour. Even if Govt tried to collect evidence at present, it would be attempting the impossible. All traces of boundary marks would have been obliterated.

From all accounts, it seems most equitable that the party should be asked to accept cash compensation together with interest @ 6% from the date of award. The question of giving him exchange land in Gandhinagar does not arise, especially when land values have shot up enormously. The petitioner's request for relief in that direction does not seem to deserve consideration.

20/3/46
5751

Minister for Edl & PH)

19/3/46

with a copy of the list etc

75) 21/3/46

22/3/46

(76) Dft. [illegible]

Mr C V Narasimha Iyengar's case

General and Revenue Secretariat	File No	of 194	[App F III-2

Serial No

77) Draft put up for appl

JAM
22/3/46

Rev secy
28/3/46

78) What about treating it as agl land & not as building site

28/3/46

29/3/46

79) Respectfully submitted that the question of treating the land as an agricultural land & not as a site has been decided already & The decision communicated to the Municipal Commissioner, Bangalore City, in this office letter no L 3589 A/Genl 85-45-428 8 11 1945 This is referred to in para 3 of the draft put up now

Also refer para 78 supra

JOL
29/3

Rev secy
29/3/46

I don't see flag P

80) Flag P refers to a letter issued to the Municipality. This is an order on the appeal of Mr C V N Iyengar - It should be

30/3

NOTE—Contn Sheet

Mr C V Narasimha Iyengar's case

File No 440 of 194 | General and Revenue Secretariat

Serial No

a self contained order touching material grounds urged in appeal

30/3/46

Subd with a revised draft for consideration

/46

Revised 30/4/46

83) Draft order for approval Minister for Edn & PTt or other orders

1/5/46

C
F
Dc 1-5-46
No 6692

84) Why is a delay 40 days putting up this draft

83) 1/5/46

85) Issue at once & put up again

2/5/46

2/5/46

To

The Municipal Commissioner Bangalore

Comptroller

No /12207-8 / ML 85-45-30 d 3-5-46

observes that the findings of the Land Acquisition Officer concurred in by the Municipal Comr in 1945, that the land acquired from Mr

440 — US/3068

— C V Narasimha Iyengar was an agricultural land and not a municipal site, is correct and that in this view the amount of award does not require any modification, and directs that he may be asked to accept the cash compensation, together with interest at 6% per annum from the date of the award as similar cases of acquisition of land

Copy to Mr C V Narasimha Iyengar Advocate, B'lore

86) Resubmitted with reference to the orders at para 85 supra

Revenue Secy

12/5

With reason for delay of 40 days vide para 84

14/5

14/5

W 22-43-18

GEN & REV SECR
1367/L
27 AUG 1943

BANGALORE CITY MUNICIPALITY

No A6-Dr.359/40

216

7/8/43

Municipal Offices,
Bangalore, 17th August 1943

From

P SURYANARAYANA SETTI, ESQ , B A , LL.B ,
Municipal Commissioner,
Bangalore

To

C NARAYANASWAMY NAIDU, ESQ , B A , B L ,
Secretary to Government,
Law Department,
Bangalore

Sir,

I have the honour to state that 16½ guntas of land in S No 26 of Hanumanthapur Village belonging to Mr C V Narasimha Iyengar had been declared for acquisition as per Notification No L 7629/M1 33-32-99 dated 19-5-1933 in connection with the laying out of the Thippasetty Mutt Extension On a representation from the party to confine the acquisition to the extent of land required for the Road and to grant him a site of equal extent in exchange, the Municipal Council had in their meeting held on 12-12-1938 resolved to grant site No 1 in Gandhi Nagar measuring 666 7 Sq Yds in exchange of the party's land measuring 569 Sq Yds taken for the alignment of the road on recovery of Rs 1,150 from the party The excess land was charged at Rs 6/- per square yard and a betterment value of Re per square yard on the extent of land taken from the party was also levied When the party was informed accordingly, he pointe out that the extent of land taken from him was 1090½ Sq. Yds and not 569 Sq Yds and claimed a sum of Rs 1,452-8-0 in addition to site No 1 resolved to be granted to him in exchange calculating the value of the land taken from him at Rs 5/- per square yard and that of the land to be granted to him at Rs 6/- per square yard Thereupon it was discovered that the said land formed portions of S Nos 26 and 28 of Hanumanthapur village The land was got re-measured with the help of the Survey Department and the extent taken up for the road was determined to be 1092$_2$ square yards

One Mr C N Shamanna had, in the meanwhile, put in a protest application claiming half the amount of the compensation that was due to be given to Mr C V Narasimha Iyengar and subsequently with~~held~~drew his protest application When Mr C V Narasimha Iyengar had gone over to this office, he showed an inclination to accept site No 1 resolved to be granted to him in flat exchange of the land taken from him for the road in view of the recent increase in the site value in Gandhi Nagar The subject came up before the Municipal Council on 12-6-1943, and it was resolved that site No 1, Gandhi Nagar may be granted to him in exchange of the land taken from him for the alignment of the road Sanction of Government is solicited in the matter under Section 41(2) of the Mysore City Municipalities Act

Copies of the resolutions accompany for favour of reference The party also appeared before me and presented a petition stating that he is agreeable to the exchange referred to above

I have the honour to be,
Sir,
Your most obedient servant,

Forwarded with compliments

President, Munl Council
Bangalore City
26 8 43

Municipal Commissioner

Appendix F G—1]

SUBJECT

Section ML

File No 22-43

Serial No 19

Diary No of letter replied to

No L2947

To

General and Revenue Secretariat

(   )

the   194

The ML Commr. Bngr, thro [illegible]

Date of issue 6/9

Signed by for G.R. Rao

Sir,

With reference to your letter No A6 DL 359/40 dt 17-8 43 re the grant of site No 1 in Gandhinagar to Mr C V Narasimha Iyengar in exchange for his land in Hanumanthapur village, acq. acquired for the purpose of laying out ~~of~~ the Thuppasetty Extension, Bngr, I am directed to request you to be so good as to state what the market value of the two lands

List of enclosures

Copied by CVS 6/9/43

Examined by

PROCEEDINGS OF THE MEETING OF COUNCIL DATED
12-12-1938

Addl 32

Deferred subject No 11 dated 8-11-1938 in the matter of grant of Site No 1 in Gandhi Nagar to Mr C V Narasimha Iyengar after recovering Rs 1,150/- from him Also Commissioner's note in the matter

Mr B L Byanna speaking on the subject observed that he took objection on the last occasion because the Municipality had not maintained any registers to show the areas set back or acquired, etc , that in the present case also because there was no such register showing the particulars, it was rather difficult to come to a decision and that now the Engineer had assured that a register is being maintained nowadays, the proposal may be approved

Resolution - Commissioner's note is approved and the acquisition of 16½ Guntas of land in S No 26 of Hanumanthapur Village may be dropped as recommended by the Commissioner

Sd N Balakrishniya,

Hon President

"Copy"

Municipal Commissioner

PROCEEDINGS OF THE MEETING OF COUNCIL
DATED 12-6-1943

----

30 Grant of site No, 1, Gandhinagar, in exchange for the land taken from Mr C V Narasimha Iyengar, for the alignment of the road in Thippa Setty Mutt Extension

Resolution - ~~Approved~~ Granted

Sd V K Govindarajulu,

Hon President

"Copy"

Municipal Commissioner

mlt

Immediate

VI G 7]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

623

No L 11736 dated the 22/5/ 1944

127

61

22/5/44

To

Municipal Commissioner

Bangalore City

SUBJECT

Grant of a site in Gandhinagar to Mr C V Narasimha Iyengar in exchange for certain lands in Hanumantha... Village

SIR,

I am directed to invite attention to the marginally noted communication and to request that the ~~Government of~~ His Highness the Maharaja may be informed, in the column opposite of the cause of delay in furnishing a reply and of the approximate date on which reply may be expected

*No 2947 dated 6-9-43

I am also to request that the reply ~~to this reminder~~ may be sent ~~not later than the~~ very early — It might be kind of stated whether a ... would be certain ... matter ... been such transactions ... for ... every simple ... for ...

I have, etc

Secretary to Government,

Law Department

Previous reminders

CITY ... OFFICE
BANGALORE
A7 22 MAY 1944
No...

WD 088—GPB—5,000—31-7-40

REPLY

No 16 CR. dated the 27-5-1944

7 359/44

LAW DEPT

GEN & REV SECRETARIAT
7743
8 JUNE 1944
L S G BRANCH

To

The Secretary to the Government of H H the Maharaja of Mysore,

Law — Department

Bangalore

Sir, With reference to the subject referred to in the margin, I have the honor to state that Mr C V Narasimha Iyengar, has been requested to furnish the certain information with records for having converted the Survey numbers in question for non-agricultural purposes

On receipt of the said information, a report will be submitted to Government in the matter

I have the honor to be
Sir
Your most obedient servant

Municipal Commissioner

27/5/44

Subd for perusal

KKG

1/7

120

3 JULY 1944

This pending for one month

Law

3/7/44

This is reply

[illegible] 7743/

[illegible] Zachary [illegible]

[illegible]

OFFICE OF THE MINISTER
FOR L S G & P H
Date 4 7 44
No 102

[illegible] 2.59

3 7 44

19 7.44

~~Letter for appl.~~

[illegible]

Appendix F G —1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

No L1416

To

The ML Commr Bang thro PDt

Sir,

With reference to your letter No A6/7 Dr 359/40-41 dt 27-8 44 re the grant of a site in the Gandhinagar to Mr C V Narasimha Iyangar in exchange for certain land acquired from him in the Hanumanthapura Village, I am directed to observe that the delay disposing of this question unsatisfactory & to request that ~~the~~ proposal should be expedited

I have etc

for

Under Secy to Govt

Genl Dept

General and Revenue Secretariat

( )

the *194*

Date of issue 9/8/44

Signed by MGRQ

List of enclosures

Copied by 8/8

Examined by

WD 04161—GPB—60 000—24 10 41

BANGALORE CITY MUNICIPALITY

No A7 DR 359 5-454/ MUNICIPAL OFFICES,
Encl Bangalore 25th May 1945
28
FROM

K SUBBA RAO, Esq, ...,
MUNICIPAL COMMISSIONER
BANGALORE CITY

GEN & REV SECRETARIAT
7845
1945
L S G BRANCH

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer & Secretary to Govt ,
Law Department, BANGALORE

SIR,

Subject - Grant of site No 1 in Gandhinagar to Mr C V Narasimha Iyengar in exchange for his land in Hanumanthapur village taken up for the formation of a road

-----

With reference to your letter No L 2947/M1 22-43-19 dated 6th September 1943 calling for some further particulars I have the honour to state as follows -

The land of Mr Narasimha Iyengar and site No 1 in Gandhinagar now form part of the same extension. They are about 2½ furlongs apart But Gandhinagar is so centrally situated that two sites of the same dimension fetch the same price wherever they may be situated, barring perhaps sites situated at corners. If Mr Narasimha Iyengar's land is in the main road, site No.1 is nearer to Courts and Public Offices The present market value of sites in Gandhinagar ranges from Rs.30/- to Rs 35/- per sq yard. Site No 1 measures 666.7 sq yards while the land of Mr Narasimha Iyengar taken up for the road measures 1090 5 sq yards . At the present market rates, their value varies from Rs.20,001/- to Rs 23 334-8-0 in the case of site No 1 and from Rs 32,715/- to Rs 38,167-8-0 in the case of Mr Narasimha Iyengar's land.

The road appears to have been formed in the year 1933-34 and 16½ guntas out of survey No.26/1 was acquire acquired by the Land Acquisition Officer on 18-12-1934 in pursuance of Government Notification No L 7629/Ml. 33-32-99 dated 19th May 1933 He assumed that the land was agricultural and awarded compensation at Rs.1000/- per acre. It is now found that the area actually utilised for the formation of the road measures 1090½ sq. yards or a little more than 9 guntas and lies partly in Survey No 26/1 and partly in Survey No.28/7. At the time of acquisition, Mr Narasimha Iyengar contended that the land utilised for the road was non-agricultural land and claimed compensation at Rs 5/- per sq.yard This plea was however rejected by the Land Acquisition Officer. Rs 5/- per sq yard may be taken as the upper limit of the market value of sites in 1933-34 At that time the Gandhinagar Extension had not yet been fully formed In 1937, the sites sold in this locality fetched an average price of Rs.6/- per sq. yard. If Mr Narasimha Iyengar's land was agricultural land as assumed by the Land Acquisition Officer, the compensation due to him including the statutory allowance would be about Rs 259/- as against Rs.474-15-0 awarded by the Land Acquisition Officer

It seems to me that the case of Mr Narasimha Iyengar is much weaker than it appeared at the time when this Office reference No A6-Dr 359/40 dated 17th August 1943, was made There is no dispute regarding the extent land utilised for the road Survey No 26/1 and 28/7 of Hanumanthapur Village measure 2 acres, 33 guntas in the aggregate. and Mr Narasimha Iyengar has filed a survey map [illegible] lands flagged "A", in which, the portions utilised for the various purposes are separately indicated. The following details are taken from this map.

Sivananda Theatre.		Building			Vacant land		Road		Total	
A	G.	A	G	S Yds	G	Sq yards	G	Syds	A	G
0	20	0	13	7	29	76	7	20½	1	30
0	26½	0	1	24		19	1	102	1	3
							9	1½	2	33

He has produced an extract from the Special Fine Register flagged "B" which shows that he has paid conversion fine on an extent of 2 acres out of these survey numbers. This means that there is still an area of 33 guntas which continues to be agricultural land ¶Shivananda Theatre was probably the earliest building to be constructed on these lands It is situated at the western end Later on, the middle portion was taken for buildin purposes.and many houses have come into existence here. The eastern portion even now lies vacant and the area taken up for the formation of the road is the eastern end of this portion From this, it seems to follow that 9 and odd guntas of land actually utilised for the road are part of 33 guntas still remaining unconverted I called upon Mr Narasimha Iyengar to prove the contrary He failed to satisfy me on the point The two written statements filed by him are in the records flagged "C"

In my opinion, the land utilised for the road was, in all probability, agricultural land, as assumed by the Land Acquisition Officer in making the award In that case, Mr Narasimha Iyngar is not entitled to claim more than Rs 260/- On the otherhand, site No 1 was worth at least Rs 3,500/- in 33-34 Its present value is, as already stated, between Rs 20,000/- and Rs 23,500/- If Mr Narasimha Iyengar was not satisfied with the award, it was open to him to have asked for a reference being made to the District Judge He, however, did not choose to adopt this course, but went on urging for the grant of a site in exchange on the ground that the land taken from him was building land If the Municipal Council resolution to grant him site No 1 is sanctioned by Government, he will make a handsome profit of over Rs 20,000/- I am bringing these facts to the notice of Government for consideration before passing orders on the reference under reply.

The records are sent herewith for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

Municipal Commissioner

Forwarded with compliments

M-A Gopalaswamy Iyengar
Honorary President
26/5/45

ksm

~~7857~~ 440/L

Petition received from Sri T. V. Narasimha Iyengar, Advocate, addressed to the Minister for Education and Public Health requesting that he may be heard in person, assisted by counsel before passing orders on the question of transfer of Site No 1 Gandhinagar Bangalore to him in exchange for his lands in the Hanumanthapur village acquired by the Bangalore City Municipality.

The connected file with a note was submitted to the Minister for Education and P H on 9-7-45, in Dy No 7857/L

20/7

Ms may be submitted in continuation

Addl Secy
22/7/45

OFFICE OF THE MINISTER
FOR ~~L S G~~ Edn & P H
Date 23 7-45
No 630

Minister for Edn
(P H)

23/7

for

Vide my orders in the main file

7/8

MYSORE COURT FEE TWO RUPEES

H S Raja Iyengar 16-7-45

OFFICE OF THE MINISTER FOR ~~L. S. G~~ Edn & P H
Date. 17/7/45
No. P 44

GEN & REV SECRETARIAT 440/L 18 JULY 1945 L S G BRANCH

Before the Government of His Highness the Maharaja of Mysore

Petition No   of 45-46

C V Narasimha Iyengar, Advocate
Gandhinagar, Bangalore City
Petitioner

Please put up references with a note
16/7
Addl Secy

In the matter of the transfer of site No 1, Gandhinagar, Bangalore City, to the petitioner in exchange for his land in Hanumanthpur Village taken by the Bangalore City Municipal Council and utilised for the purpose of laying out the Thippasetty Mutt Extension, Bangalore City

The petitioner abovenamed most humbly begs to state as follows -

1 The above matter though concluded long ago, remains yet to be completed in that the transfer of the site has not been carried out up to date Though at first proceedings were had under the Land Acquisition Act, they ultimately came to be dropped as the procedure followed by the Council did not conform to the statute So the exchange, solicited by the petitioner even from the outset, was finally adopted as result of negotiations between the parties and as being advantageous to the Council

2 The matter appears now to have been laid before Government, and as it has been unduly and unnecessarily prolonged, the petitioner most humbly prays that he may be heard in person assisted by Counsel to enable speedy and proper disposal of his case

C V Narasimha Iyengar

H S Raja Iyengar
Counsel for Petitioner

Petitioner

Was not this to be taken to the Minister?
17/7

~~IN THE COURT OF THE~~

Before the Government of His Highness the Maharaja of Mysore

Petition No   of 1945-46

C V Narasimha Iyengar, Advocate
Gandhinagar, Bangalore City   Petitioner

In the matter of the transfer of site No 1, Gandhinagar, Bangalore City, to the petitioner by the ----- Bangalore City Municipal Council etc

I, C V Narasimha Iyengar, the petitioner abovenamed, do hereby appoint and retain Mr H S Raja Aiyangar, M A, B L, Advocate, to appear in the above matter and conduct the same including any connected miscellaneous executions or other proceedings and receive any document or money therein from court

Accepted

Rajaiyangar
16-7-45

Advocate for petitioner

Petitioner

Signed in my presence

H S Rajaiyangar
Advocate

COURT FEE
Mr H S Raja I
TWO RUPEES
೨ ರೂ
۲-روپے

COURT OF Before the
Govt of H H Maharaja of Mysore

Petn No of 1945-46

C V Narasimha
Iyengar, Advocate } Petr

~~Vs~~

Presented on
16-7-45

Mr H S Raja Aiyangar, M A, B L,
Advocate for Petitioner

A hearing may be given on 20th inst between 3 & 4 P.m & the records may be called and a note put up
8/11/45
Addl Secy

COURT FEE
2391
TWO RUPEES

8/11/45
8/11/45
Sup. Dr. 22 for Mr

GEN & REV SEC
3068
1945
BRANCH

Before the Government of His Highness the Maharaja of Mysore

Petition No of 1945-46

C V Narasimha Iyengar
Advocate, Gandhinagar,
Bangalore City

Petitioner

Rd 85-45-129

Date 8 11 45
No 541

In the matter of the transfer of site No 1, Gandhinagar, Bangalore City, to the petitioner in exchange for his land in Hanumanthapur village taken by the Bangalore City Municipal Council and utilised for the purpose of laying out the Thippasetty Mutt Extension, Bangalore City

The petitioner abovenamed most humbly begs to state as follows

1 The petitioner was the owner of portions of S No's 26 and 28 of Hanumanhtapur Village in Bangalore Taluk Those portions were converted from agricultural ~~to~~ into building land by virtue of an order of the Sub Division Officer of Bangalore Sub Division dated 16-3-30 in his Proceedings No BN 919-29-30 and ceased to pay any land revenue thereafter

2 On 25-5-33, the Land Acquisition Officer of Bangalore City put out a notification under the Mysore Land Acquisition Act to say that 16½ guntas of petitioner's portion in S No 26 were required for a public purpose The petitioner preferred his objection in which he even then suggested that, in lieu of compensation land of equal extent in the same locality might be given to him exchange Ultimately an award was made in his absence of which he received notice on 5-1-35 In due course, he objected to the award on various grounds and asked the same to be referred to the court which was never done by

the authorities concerned, so much so that in the eye of law the award was neither final nor of any force or value

3 Apart from the award, the acquisition proceedings themselves were vitiated by serious irregularities of proce~~e~~dure The notification beforementioned specified 16½ guntas confined to S No 26 whereas actually the Municipal Council took 9 guntas odd in all spread over both S.No's 26 and 28 The authorities concerned fully realising the gravity of the omission to make a reference to the court as well as the defects of the acquisition proceedings wisely dropped them including the award and opened negotiations with the petitioner which finally resulted in a resolution of the Bangalore City Municipal Council dated 12-6-43 recommending the grant of site No.1, Gandhinagar, Bangalore City, in exchange for the land taken from the petitioner.

4 It will be of interest to ascertain how the exchange in the present form came to be adopted finally When negotiations were put in train, it was assumed though wrongly by the authorities that only 569 Sq.yds of petitioner's land had been utilised for the purpose of laying out the Thippasetty Mutt Extension Working on that basis, they offered the site No 1, Gandhinagar, whose area was 666 $\frac{2}{3}$ Sq yds , provided the petitioner paid a sum of Rs 1150/- being the difference in price-at Rs 5/- per Sq. yd for his land on the one hand and at Rs 6/- per Sq. yd for the site on the other He pointed out the mistake touching the extent of land taken from him which they themselves ascertained to be 1090½ Sq.yds and not 569 Sq yds as assumed originally. In the light of this discovery, it turned out

that the petitioner had to get not only the site but also a sum of Rs 1452-8-0 which he claimed on the footing of the above agreed rates. The negotiations continued until at last the petitioner gave up his claim for the money and asked to be put in possession of the site forthwith Then followed the resolution beforementioned imposing as may be seen a great sacrifice on the part of the petitioner which he did not mind as at any cost he wanted to see a matter concluded which was unduly and unnecessarily prolonged. The matter dragged out all the same so that at one stage he even offered by cheque the sum of Rs 1150/- in return for immediate possession of the site

5 As Section 41(2) of the Mysore City Municipalities Act makes indispensable the previous sanction of Government to implement the resolution, the Municipal Commissioner at the time submitted the necessary papers for procuring such sanction While it was pending consideration by Government, the petitioner submitted a petition on 16-7-45 soliciting that he may be heard in person as well as by counsel to enable Government to appreciate the position in all its aspects and expedite the accord of sanction The petitioner is credibly informed that subsequent to and notwithstanding his petition, proceedings were had exparte whereby sanction appears to have been refused

6. The petitioner craves leave to clarify briefly certain points of difficulty which the present Municipal Commissioner showed an inclination to make There seems to be an impression that the land taken from the petitioner was agricultural land at the time when it was so taken The Order of the Sub Division Officer of Bangalore Sub Division beforementioned had the effect of converting into building land the portions owned by the petitioner in S No's 26 and 28 of its own force without waiting for the payment or recovery of the conversion fine fixed at Rs 500/- per acre The character of the land changed with the passing of the order and thereafter it was a matter between the petitioner and the revenue authorities whether the fine was fully paid and recovered or not In other words, any fine remaining unpaid or

unrealised whether casual or intentional did not hold up the change of character which was brought about eo instanti the order was passed The petitioner begs to submit that when his land was taken by the Municipal Council it had lost the character of agricultural land and was on all hands fully recognised as building land.

7. There seems to be a further impression that the award had not been asked by the petitioner to be referred to the Court and had therefore become final and inviolable ~~invoidable.~~ As pointed out already, the award besides being the outcome of defective acquisition proceedings is of no force or virtue because it was not referred to the court promptly in due course of law as actually desired by the petitioner. Nothing therefore turns on the award which in the circumstances should be totally ignored as was done by the Municipal authorities and Council in adopting the exchange It is worth noticing that the petitioner proposed an exchange at the earliest stage when he filed his objection in response to the notification of the Land Acquisition Officer of Bangalore City That being so, it is most improper to assign earlier and lower rates to the petitioner's land and later and higher rates to the land proposed to be given in exchange while assesing their respective market values

8 The Municipal records will bear out the truth of the petitioner's contentions which , if duly taken into account by Government, would materially affect their decision and readily incline them to accord their sanction to the exchange resolved upon by the Bangalore City Municipal Council on 12-6-43 as afore said

9. In the foregoing circumstances, the petitioner most humbly prays that the decision refusing sanction be reconsidered and a fresh disposal be made in the interests of justice after sending for and perusing the records of the Municipal Council and hearing the petitioner and his counsel

Petitioner

Bangalore
Date 26-9-45

Before
~~IN THE COURT OF~~ THE Govt of H H Maharaja of Mysore, Bangalore

Petition No of 1945-46

In the matter of
transfer of No 1, Gandhi
nagar, Bangalore City

~~VS~~

C V Narasimhiengar —— Petitioner

I, C V Narasimhiengar, the petitioner,
do hereby appoint and retain Mr H S Raja Aiyangar, M A, B L, Advocate, to appear in the above matter and conduct the same including any connected miscellaneous execution~~s~~ or other proceedings and receive any document or money therein from court

Accepted

H S Raja Aiyangar

Advocate for Petr

Petitioner

Signed in my presence

HSR
26-9-45

COURT FEE
TWO RUPEES

COURT OF

No of 194

Mr H S Raja Aiyangar, M A, B L,
Advocate for

M 85-45 42

No L·3589 A 8/XI/45

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

To The Municipal Commissioner,
Bangalore City
(Through the President)

Sub - grant of site No 1, in Gandhinagar to Mr G V Narasimha Iyengar in exchange for his land in Hanumanthapura village taken up for the formation of a road

Sir,

With reference to the correspondence ending with your letter No A 7 D R $\frac{359}{40}$ dated 28-5-45 furnishing a report on the above subject, I am directed to state that the Award order passed by the Land Acquisition Officer on 18-12-34, treating the land acquired from Mr G V Narasimhaiyengar as Agricultural land ~~as against~~ instead of as a Municipal site as contended by the party is correct for the reasons mentioned in the order itself.

~~This opinion is further confirmed by the observations of the~~

If Mr G V Narasimha Iyengar was not satisfied with that award he could have asked for refce being made to the Court

WD 0282—GPB 22 500—14-3 38

~~present Municipal Commr who has clearly explained the grounds on which he has based his conclusions.~~

~~I am to observe that this is a case wherein the City Municipal Council has taken too liberal a view in favour of Mr C V Narasimha Iyengar without any regard for its own interests. If Mr Narasimha Iyengar was not satisfied with the award he could have asked for a reference being made to the Court.~~

Having regard to the facts of the case, Govt observe that the ~~grant of~~ ~~land to the present~~

~~In these circumstances the Council~~ ~~report reqr~~ the resolution ~~dated~~ of the City Municipal Council, dated 12 6 1943 to the effect that ~~grant~~ Site No 1, in Gandhinagar Extension, B'lore, may be granted to Mr C V Narasimha Iyengar in flat exchange for the land taken from him for road purposes, would be against the financial interests of the Mpl Cl, cannot ~~therefore~~ be sanctioned

~~The records are herewith returned.~~

I have the

For Addl Secy

No L 3689

13/XI/45

To
C V Narasimhaiyengar Esq
Advocate Gandhinagar
Bangalore City Esqr
C/o H. S. Rajaiyengar B.A.B.L.
Advocate, Bangalore

Sir

~~I am directed to state to you~~ With reference to your petition of 26-9 1945 in the matter of the transfer of Site No 1 Gandhi Nagar, Bangalore, to you in exchange for ~~the~~ your lands in Hanumanthapura Village taken by the Bangalore Municipal Council, I am directed to state that the ~~above~~ case has been posted for hearing before the Minister personally at on Tuesday the 20th inst between 3—4 pm

Yours faithfully
for Secy

6* [illegible] — RL 85-45-130

L 12207.8
D/3 5 46

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read :-

Letter No L 3589 A/M1 85-45-42, dated the 8th November 1945 to the Municipa Commissioner, Bangalore City stating that the award order passed on 18th December 193 by the Land Acquisition Officer, Bangalore City, treating the land-acquired from Mr C V Narasimha Iyengar, Advocate, Bangalore as an agricultural land instead of ~~as~~ a Municipal site is correct and that the request of Mr Narasimha Iyengar to grant him site No 1 in Gandhi Nagar in flat exchange for the land acquired from him cannot be sanctioned

2 Petition received from Mr C V Narasimha Iyengar on 9th November 1945 appealing against the above order

ORDER NO

The facts of the case are as follows

In the year 1933, an extent of 16½ guntas of land in S No 26 of Hanumanthapur Village, II Division, Bangalore City was proposed to be acquired fo laying out an extension and to form roads etc This land belonged to Mr C V Narasimha Iyengar, Advocate, Bangalore City In the Municipal Commissioner's Order of award dated the 18th December 1934, it was stated that the land was an agricultural land and it was not recognized as a Municipal site and a compensation of Rs 474-15- including a statutory allowance 15%

was awarded at the rate of Rs 1,000/- per acre It was later on found that only an extent of 1090½ Sq Yds ~~ax~~ ~~the land notified above~~ had been actually acquired out of the land notified above When the award notice was issued, Mr Narasimha Iyengar filed an application complaining about the inadequacy of the compensation granted to him and prayed ~~to be given~~ for a site of an equal extent to be given in Gandhi Nagar After further correspondence and consideration of the question by the Bangalore City Municipal Council, it was finally resolved by them on 12-6-1943 that site No 1 in Gandhinagar might be granted to Mr Narasimha Iyengar in flat exchange for the land acquired from him But the Municipal Commissioner in his letter dated the 17th August 1943 wrote to Government that the Municipal Council would be a loser if the said resolution is given effect to Government accepted this view and ordered that, consequent on the finding of the Land Acquisition Officer that the land acquired was an agricultural land, the proposal of the Municipal Council to grant site No 1 in Gandhinagar to Mr Narasimha Iyengar cannot be ~~granted~~ approved

Mr Narasimha Iyengar has now appealed against this order In his petition he has urged the following points

(1) that the land taken from him no longer retaining the character of an agricultural land,

(2) that the impression that the award has not been ~~ak~~ asked by the petitioner to be referred to the Court is not correct,

(3) that it is most improper to

assign earlier and lower rates to the petitioner's land and later and higher rates for the land proposed to be given to him in exchange

Govt have perused the entire proceedings & records connected with this case. The petitioner was also heard through his counsel on 20th November 1945

The award in this case was passed so far back as 18th December 1934 ~~In this case~~. The Land Acquisition Officer held that the land acquired from Mr C V Narasimha Iyengar was an agricultural land and not a Municipal site The notice of ~~wxxxxwxx~~ award was received by the awardee on 5th January 1935 He objected to the quantum of compensation on 26th January 1935 and filed an objection thereto on 15th February 1935 specifically requesting a reference being made to the Court The matter was, not however referred to the court and in consequence, the order of the Land Acquisition Officer has become absolute and final The Order of the Land Acquisition Officer being in the nature of a judicial finding, Government have no power to modify, annul or rescind the same The property in question has been taken possession of and a road formed thereon long ago. ~~There is, therefore, no question of withdrawing the property from acquisition proceedings at this distance of time.~~

There is no good reason or substantial evidence at [illegible] this distance of time to differ from the concurrent findings of the two officers who dealt with the case about the land being an agricultural one & nothing prevented the party from disputing this fundamental fact relating to the nature of the land whether agricultural or municipal site & have it ~~settled~~ settled in his favour. No evidence could also be collected at present as all traces of boundary marks would have been obliterated.

On a consideration of all the facts of the case, Government ~~consider~~ observe that the firdings of the Land Acquisition

Officer ~~xxxxxxxx~~ concurred in by the Municipal Commissioner in 1945 that the land which was acquired from Mr C V Narasimha Iyengar was an agricultural land and not a Municipal site is correct and that in this view the amount of award does not require any modification The question of exchange land to Mr Narasimha Iyengar does not therefore arise

Government accordingly direct that Mr C V Narasimha Iyengar be asked to accept the cash compensation awarded by the Land Acquisition Officer, together with interest thereon at 6 per annum from the date of award as in similar cases of acq'd land)

1/5/46

Secretary to Government,
Revenue Department

To

The Municipal Commissioner, Bangalore City ✓
through the President, with the records

The Comptroller to Government of Mysore, Bangalore ✓

Copy to Mr C V Narasimha Iyengar ✓
through Mr H S Raja Iyengar, M A , B L ,
Advocate, Bangalore

dd
25/4/46

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

READ-

Letter No.L.3589 A/Ml.85-45-42 dated the 8th November 1945 to the Municipal Commissioner, Bangalore City stating that the award order passed on 18th December 1934 by the Land Acquisition Officer, Bangalore City, treating the land acquired, from Mr. C.V. Narasimha Iyengar, Advocate, Bangalore as an agricultural land instead of as a Municipal site is correct and that the request of Mr. Narasimha Iyengar to grant him site No.1 in Gandhi Nagar in flat exchange for the land acquired from him cannot be sanctioned.

2.Petition received from Mr. C.V. Narasimha Iyengar on 9th November 1945 appealing against the above order.

ORDER NO. L 12207-8/ml 85-45-120

BANGALORE DATED THE 3rd MAY 1946.

The facts of the case are as follows

In the year 1933, an extent of 16½ guntas of land in S No. 26 of Hanumanthapur Village, II Division, Bangalore City was proposed to be acquired for laying out an extension and to form roads etc. This land belonged to Mr.C.V. Narasimha Iyengar, Advocate, Bangalore City In the Municipal Commissioner's Order of award dated the 18th December 1934, it was stated that this land was an agricultural land and it was not recognized as a Municipal Site and a compensation of Rs.474-15-0 including a statutory allowance of 15% was awarded at the rate of Rs.1000/- per acre It was later on found that only an extent of 1090 sq. yds. has been actually acquired out of the land notified above. When the award notice was issued, Mr. Narasimha Iyengar filed an application complaining about the inadequacy of the compensation granted to him and prayed for a site of an equal extent to be given to him in Gandhi Nagar After further correspondence and consideration of the question by the Bangalore City Municipal Council, it was finally resolved by them on 12th June 1943 that site No.1 in Gandhinagar might be granted to Mr. Narasimha Iyengar in flat

exchange for the land acquired from him. But the Municipal Commissioner in his letter dated the 17th August 1943 wrote to Government that the Municipal Council would be a loser if the said resolution is given effect to. Government accepted this view and ordered that, consequent on the finding of the Land Acquisition Officer that the land acquired was an agricultural land, the proposal of the Municipal Council to grant Site No.1 in Gandhinagar to Mr. Narasimha Iyengar cannot be approved.

Mr. Narasimha Iyengar has now appealed against this order. In his petition he has urged the following points.-

(1) that the land taken from him no longer retains the character of an agricultural land,

(2) that the impression that the award has not been asked by the petitioner to be referred to the Court is not correct,

(3) that it is most improper to assign earlier and lower rates to the petitioner's land and later and higher rates for the land proposed to be given to him in exchange.

Government have perused the entire proceedings and records connected with this case. The petitioner was also heard through his counsel on 20th November 1945.

The award in this case was passed so far back as 18th December 1934. The Land Acquisition Officer held that the land acquired from Mr. C V. Narasimha Iyengar was an agricultural land and not a Municipal site. The notice of award was received by the awardee on 5th January 1935. He objected to the quantum of compensation on 26th January 1935 and filed an objection thereto on 15th February 1935 specifically requesting a reference being made to the Court. The matter was not however referred to the Court and in consequence, the order of the Land Acquisition Officer has become absolute and final. The order of the Land Acquisition Officer being in the nature of a judicial finding, Government have no power to modify, annul or rescind the same The property in question has been taken possession of and a road formed thereon long ago. There is no good reason or substantial evidence at this distance of time to differ from the concurrent

findings of the two officers who dealt with the case about the land being an agricultural one. Nothing prevented the party from disputing this fundamental fact relating to the nature of the land, whether agricultural or a Municipal site and have it settled in his favour   No evidence could also be collected at present as all traces of boundary marks would have been obliterated.

On a consideration of all the facts of the case, Government observe that the findings of the Land Acquisition Officer concurred in by the Municipal Commissioner in 1945 that the land which was acquired from Mr. C.V. Narasimha Iyengar was an agricultural land and not a Municipal site is correct and that in this view, the amount of award does not require any modification. The question of exchange of land to Mr. Narasimha Iyengar does not therefore arise.

Government accordingly direct that Mr. C V. Narasimha Iyengar be asked to accept the cash compensation awarded by the Land Acquisition Officer, together with interest thereon at 6% per annum from the date of award, as in similar cases of acquisition of land.

For Secretary to Government
Revenue Department

The Municipal Commissioner, Bangalore City,
through the President, with the records

The Comptroller to Government

TKD/6

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

READ.-

Letter No.L.3589 A/Ml.85-45-42 dated the 8th November 1945 to the Municipal Commissioner, Bangalore City stating that the award order passed on 18th December 1934 by the Land Acquisition Officer, Bangalore City, treating the land acquired, from Mr. C.V. Narasimha Iyengar, Advocate, Bangalore as an agricultural land instead of as a Municipal site is correct and that the request of Mr. Narasimha Iyengar to grant him site No.1 in Gandhi Nagar in flat exchange for the land acquired from him cannot be sanctioned.

2.Petition received from Mr. C.V. Narasimha Iyengar on 9th November 1945 appealing against the above order.

ORDER NO. L 12207-8/ml 85-45-130

BANGALORE DATED THE 3rd MAY 1946.

The facts of the case are as follows

In the year 1933, an extent of 16½ guntas of land in S.No. 26 of Hanumanthapur Village, II Division, Bangalore City was proposed to be acquired for laying out an extension and to form roads etc. This land belonged to Mr.C.V. Narasimha Iyengar, Advocate, Bangalore City. In the Municipal Commissioner's Order of award dated the 18th December 1934, it was stated that this land was an agricultural land and it was not recognized as a Municipal Site and a compensation of Rs.474-15-0 including a statutory allowance of 15% was awarded at the rate of Rs.1000/- per acre. It was later on found that only an extent of 1090½ sq. yds. has been actually acquired out of the land notified above. When the award notice was issued, Mr. Narasimha Iyengar filed an application complaining about the inadequacy of the compensation granted to him and prayed for a site of an equal extent to be given to him in Gandhi Nagar. After further correspondence and consideration of the question by the Bangalore City Municipal Council, it was finally resolved by them on 12th June 1943 that site No.1 in Gandhinagar might be granted to Mr. Narasimha Iyengar in flat

exchange for the land acquired from him. But the Municipal Commissioner in his letter dated the 17th August 1943 wrote to Government that the Municipal Council would be a loser if the said resolution is given effect to. Government accepted this view and ordered that, consequent on the finding of the Land Acquisition Officer that the land acquired was an agricultural land, the proposal of the Municipal Council to grant Site No.1 in Gandhinagar to Mr. Narasimha Iyengar cannot be approved.

Mr. Narasimha Iyengar has now appealed against this order. In his petition he has urged the following points:-

(1) that the land taken from him no longer retains the character of an agricultural land;

(2) that the impression that the award has not been asked by the petitioner to be referred to the Court is not correct;

(3) that it is most improper to assign earlier and lower rates to the petitioner's land and later and higher rates for the land proposed to be given to him in exchange.

Government have perused the entire proceedings and records connected with this case. The petitioner was also heard through his counsel on 20th November 1945.

The award in this case was passed so far back as 18th December 1934. The Land Acquisition Officer held that the land acquired from Mr. C.V. Narasimha Iyengar was an agricultural land and not a Municipal site. The notice of award was received by the awardee on 5th January 1935. He objected to the quantum of compensation on 26th January 1935 and filed an objection thereto on 15th February 1935 specifically requesting a reference being made to the Court. The matter was not however referred to the Court and in consequence, the order of the Land Acquisition Officer has become absolute and final. The order of the Land Acquisition Officer being in the nature of a judicial finding, Government have no power to modify, annul or rescind the same. The property in question has been taken possession of and a road formed thereon long ago. There is no good reason or substantial evidence at this distance of time to differ from the concurrent

findings of the two officers who dealt with the case about the land being an agricultural one. Nothing prevented the party from disputing this fundamental fact relating to the nature of the land, whether agricultural or a Municipal site and have it settled in his favour No evidence could also be collected at present as all traces of boundary marks would have been obliterated.

On a consideration of all the facts of the case, Government observe that the findings of the Land Acquisition Officer concurred in bv the Municipal Commissioner in 1945 that the land which was acquired from Mr. C.V. Narasimha Iyengar was an agricultural land and not a Municipal site is correct and that in this view, the amount of award does not require any modification. The question of exchange of land to Mr. Narasimha Iyengar does not therefore arise.

Government accordingly direct that Mr. C.V. Narasimha Iyengar be asked to accept the cash compensation awarded by the Land Acquisition Officer, together with interest thereon at 6% per annum from the date of award, as in similar cases of acquisition of land.

Secretary to Government,
Revenue Department

The Municipal Commissioner, Bangalore City,
through the President, with the records

The Comptroller to Government

TKD/6

G R S App F VI—G 2]

SUBJECT

Diary No of letter replied to 440

General and Revenue Secretariat

( )

the *194*

Date of issue 194

Signed by

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette Kannada Part?

TYPING SECTION
22 APR 1946
GEN & REV SECTT

[illegible]
Pl get it typed on [illegible]
[illegible]
18/4/46

Section ML

File No 85-45

Serial No

Proceedings of the Government of
His Highness the Maharaja of Mysore

Read—~~Fr~~ Letter no L 3589 A / ML 85-45-42 [illegible] d 8 11 1945, stating that the award order passed on 18 12 34 by the Land Acquisition Officer, Bangalore city, treating the land acquired from Mr. C V Narasimha Iyengar, Advocate, Bangalore, ~~Gandhinagar~~ as an agricultural land instead of—as a municipal site is correct & that the requesting of Mr Narasimha Iyengar to grant him site No 1 in Gandhi Nagar in flat exchange for the land acquired from him

~~Order thereon—No~~

Cannot be Sanctioned

2) Petition received from ~~f~~ Mr C.V Nara simh v on 9 11 1945 appealing against the above order

Order No [Facts of the case)

~~[The petitioner was heard through his Counsel on 20 11 1945]~~

Stet

2/ The award in this case was passed so far back as 18th Dec 1934 [The notice of award was received by the awardee on 5 1 1935 He objected to the quantum of compensation on 26 1 1935 & filed an objection thereto on 15 2 1935 specifically requesting ~~that~~ a reference being made to the ~~List of Enclosures~~ Court The matter was however not referred to the court ~~as required by the statute~~ & in consequence, the order of the Land Acquisition Officer has become absolute & final The order of the LA Office being ~~Copied by~~ in ~~Examined by~~ the nature of a judicial finding, Govt have no power to modify

[In this case the LA Officer held that the land acquired from Mr CV Narasimha Iyengar was an agricultural land & not a municipal site]

annul

have no longer
retained the character
of an agricultural land

(2) that the impression
that the award ~~[illegible]~~ has
not been asked by the
petitioner to be referred to
the court is not correct

(3) that it is highly
improper to assign earlier
& lower rates to the
petitioner's land & later
higher rates for the land
acquired later from them
in exchange

a consideration all the facts of the case, Govt consider that the findings of the LA officer concerned in reply to the Municipal Council in 1945 that the land which was acquired from Mr CVN was Agrl land & not municipal site ~~[illegible]~~ is correct & ~~that~~ in this view ~~the~~ amount of award ~~[illegible]~~ does not require any modification. The question of exchange land to Mr CVN does not therefore arise, annul or rescind the same. The property in question has been taken possession of & a road formed thereon long ago. There is therefore no question of withdrawing the property from acquisition proceedings at this distance of time.

~~3) In the above circumstances, Govt see no reason to alter their decision communicated in letter No L 3589 A 98 11 1945 read above~~

4) Govt ~~therefore~~ accordingly direct that Mr C V Narasimha Iyengar be asked to accept the cash compensation awarded by the LA officer, together with interest thereon at 6% per annum from the date of award.

For Rev Secy to

To the Munl Coun, Bangalore
through the DRS with the records
& Comptroller to Govt
Copy to Mr C. V. Narasimha Iyengar
through Mr H L Raja Iyengar
MA, BL Advocate, Bangalore